

PAPC

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Box

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File

1909/91

INFORMATION AND COMPLAINT.

(Before G. E. Corbould, Esq., Police Magistrate.)

Canada:
Province of British Columbia; Steveston,
County of Vancouver.

The information and complaint of J. E. Murchison, of the townsite of Steveston, taken this 1st day of August, A.D., 1904, before the undersigned, saith that he hath just cause to suspect and believe and doth suspect and believe that one Maede, a Japanese, of the townsite of Steveston in the said County of Vancouver, within the space of ten days last past, to wit: on the 31st day of July ~~Ultimo~~, at the townsite of Steveston, in the County aforesaid, did in and upon one William Scott commit an assault thereby occasioning to the said William Scott actual bodily harm, contrary to section 262 of the Criminal Code of Canada.

(Sgd:) Jno. E. Murchison.

Mr. Martin states that the prisoner accused is a trial summary, and also consents to have the same done at the same time with regard to the assault on Scott.

Plan of building put in by prosecution and marked Exhibit

"A."

Sworn before me the day and year first above mentioned/

(Sgd.) Gordon E. Corbould, P.M.

Police Court.

(Before G. E. Corbould, Esq., Police Magistrate.)

Wm. Scott sworn saith as follows: Steveston,

8th August, 1904.

Examined by Mr. Shoebottom:

Q. Your name in full, Mr. Scott? A. William Scott.

Q. You live where? A. Vancouver.

Q. Where have you been during the fishing season?

Te Kary, Maede and Komema (Japanese) charged with having, at Steveston, on the 31st day of July ultimo, assaulted

Wm. Scott, thereby occasioning the said Wm. Scott actual bodily harm. faint recollection of it as it seems to be very

Q. Where were you on that evening? A. I was at Steveston.

Mr. T. Shoebottom for the prosecution (Municipality of Richmond).

Mr. Joseph Martin, K.C., for the prisoners.

F. Evans sworn as stenographer.

Q. How long did you remain there? A. Well, I have faint recollection of being in there about an hour or so.

Mr. Martin states that the prisoners consent to be tried summarily, and also consents to have the whole four tried at the same time with regard to the assault on Scott.

there is a couple of gentlemen here that I remember I met.

Plan of building put in by prosecution and marked Exhibit

"A."

Q. Will you be good enough to point out the two you

met? A. This gentleman here, and him—that I was talking

to—there.

Court: Make them stand up.

Q. Mr. Shoebottom: I want to get the names, Maede and Te

Kary. Which one of those did you first see on this evening?

A. Maede I first see.

Q. Did you have any conversation with him? A. Oh, we had

a little friendly wrestling bout, that is all.

Q. That was perfectly friendly at that time? A. Yes sir.

perfectly friendly.

DISPOSITIONS.

Q. How did you come to see Te Kary? A. Te Kary came in afterwards and was standing there talking to me; we was having Wm. Scott sworn saith as follows:-

Q. Did you have any wrestling bout with him? A. No sir.
Examined by Mr. Shoebotham:

Q. Did you have any wrestling bout at all that evening?

Q. Your name in full, Mr. Scott? A. William Scott.

Q. You live where? A. Vancouver, with Mrs. Maeda.

Q. Where have you been during the fishing season? me out--

A. I have been fishing for the Imperial Cannery. I believe

Q. At Steveston? A. At Steveston.

Q. You remember ~~xxxxxx~~ Saturday evening the 31st?

A. I have a faint recollection of it, he didn't seem to be very

Q. Where were you on that evening? A. I was at Steveston.

Q. Were you at the Star Hotel at all? A. I believe either was there, yes, at or early Sunday morning?

Q. What time did you go to the Star Hotel? A. Somewhere or round about the hour of 10 o'clock, with Te Kary there;

Q. How long did you remain there? A. Well, I have a ~~faint~~ recollection of being in there about an hour or so.

Q. Did you meet any Japanese there that night? A. Yes sir, I believe I did meet some of them.

Q. Do you know any of those whom you saw? A. Yes sir; Te Kary there is a couple of gentlemen here that I remember I met.

Q. A couple of those sitting there? A. Yes.

Q. Will you be good enough to ~~xxxx~~ point out the two you met? A. This gentleman here, and him--that I was talking then to--there. ~~into this corner and here where is the two folding Court: Make them stand up. on them and front doors and folding~~

Q. Mr. Shoebotham: I want to get the names, Maeda and Te Kary. Which one of those did you first see on this evening?

A. Maeda I first see. I don't say. I think I was. I could not feel

Q. Did you have any conversation with him? A. Oh, we had a little friendly wrestling bout, that is all. A. That is hard

Q. That was perfectly friendly at that time? A. Yes sir, on

perfectly friendly.

Q. How did you come to see Te Kary? A. Te Kary came in afterwards and was standing there talking to me; we was having a glass of beer together.

Q. Did you have any wrestling bout with him? A. No sir.

Q. Did you have any ^{other} wrestling bout at all that evening?

A. No sir.

Q. The only person you wrestled with was -- A. Maede.

Q. In what temper was Maede? By the way, who came out-- who was the victor in the wrestling match? A. I believe I came out on top.

Q. You threw him, anyway? A. Yes.

Q. How did he seem to take it? A. He didn't seem to be very well pleased with it.

Q. As a result of that wrestling bout did anything further occur that night or early Sunday morning? A. Well, I could not swear whether he had any implication in that or not, but I was standing at the bar with Te Kary there; we were having a little friendly talk and a glass of beer together and Te Kary was on my left when some Japanese rushed in right from the back and I was carried towards the back of the house.

Q. In front of the bar? A. In front of the bar and Te Kary was to my left when I was rushed from the back here to my right.

Q. From the sitting room? A. From the sitting room.

Q. At the rear of the bar? A. At the rear of the bar; then rushed up into this corner and here where is the two folding doors, and rushed in between them and front doors and folding doors and then I went--I don't know where I went to.

Q. Were you injured in any way at the time the Japs. rushed you? A. That I couldn't say. I think I was. I couldn't feel no injuries.

Q. How did you get those marks you have now? A. That is hard to tell. I don't know how I got them. I didn't feel them

until I woke up.

Q. Did you see any weapons, knives or anything of that kind?

A. No, not to my knowledge.

Q. When you came to yourself? A. There was no one there when I came to.

Q. Were you injured when you came to? A. I found myself bleeding.

Q. Did you find yourself with any wounds? A. Well, I put my hand to my head there.

Q. Those wounds you have you got on that occasion? A. Yes, I got on that occasion.

Q. Court; How many of them? A. There is five all told, I did not see him in the bar when this assault happened, your Honour.

Q. Just show? A. Here (indicating) and top of my head and cut in the back. I didn't think there would be any trouble

Q. It was sufficiently severe to render you unconscious?

A. It did put me to sleep for sometime.

Q. Was it necessary to call in medical aid? A. I believe it was, or I would have bled to death.

Q. Had not medical aid arrived? A. Yes.

Q. You say you were rushed so fast that you were not able to detect those who rushed you? A. Who came to my right, no.

Q. Did you see after Maede went away at the time you wrestled with him, see him after that at all? A. Yes, he came back there and looked in and went away again. I believe, I - - -, that is all I seen of him.

Q. Did he say anything to you at the time? A. No, he didn't say nothing to me.

Q. How long would that be after you wrestled with him?

A. I guess 15 or 20 minutes.

Q. How long would that be, this time he came back and looked in, before the Japs. rushed you? A. It was half an hour afterwards before the Japs. rushed between 20 minutes and half an hour.

Q. You see those men sitting there, Mr. Scott? A. Yes sir.

Q. Do you recognise any of those as being the assailants?

A. No.

Q. You cannot recognise - - A. Can't recognise none of them; in fact I am satisfied Te Kary is not one ~~of~~ the men because we were standing there having a friendly drink together when this attack came.

Q. Which is Te Kary? A. That gentleman there (indicating).

Q. You are satisfied it was not he? A. Yes.

Q. Do you know Maede? A. Yes, I have seen the gentleman many a time.

Q. Did you see him that night? A. I told you I have, but I didn't see him in the bar when this assault happened.

Q. You did not anticipate being rushed by the Japs. when they came in? A. I didn't think there would be any trouble at all. I thought it would pass over--a friendly bout, no harm at all about it. I was explaining to Te Kary at the time the rush took place, there was no harm about it.

Q. Did you see any weapons or anything like that flash?

(Objected to by Mr. Martin).

A. I didn't see no weapons flashed in front of the bar. If there was any weapons flashed it was after I got through that folding door when it was in the dark there, between that folding door (indicating) and the door there.

Q. They rushed you, you say, here through these folding doors? Here--that is right at the end of the bar, and this would be dark in here (indicating)? A. It must have happened here.

Q. In the office? A. I was right between the folding door there and the front door. It was dark in here. It was while I was in the bar. I am satisfied of that.

Q. It was after you were rushed here (indicating)? A. The corner of this bar, between these two folding doors and between the front door and the bar, butxx there is the office here, and here (indicating) is where I found myself.

Q. When you came to? Were there any other white men in the bar with you when the rush came? A. There was several in the bar, yes. Did you see him? A. The first I see him.

Q. Do you know who they were? A. Well, I could'nt hardly call them by name; the police officer was there from

Q. How many? A. And Mr. Blair and Mr. Britton and Mr. not in Brennan. Did you were hurt? A. Just outside the build-

Q. At the time you were trashed? A. Yes, the sidewalk.

Q. Do you know the name of the Police Officer? A. Mr. Kipp and Mr. Deasy, that was the first I seen.

Q. Then you say you recognised none of those (accused)?

If they were there you did not recognise them? A. No, if

if they were there I did'nt recognise them, except one of

them there I was talking to. Well, I seen them coming out.

Q. Mr. Martin: He says he knows that man now because he was standing on his left taking a drink. As to the others he did'nt

does not know whether two or three Japs, and one white man.

Q. Two or three Japs, rushing one white man? A. Out of

W.A. Dixon sworn saith as follows:-

Q. Then he came out subsequently? A. Afterwards. Examined by Mr. Shoebottom:

Q. You saw nothing of what took place inside? A. Not in the bar room, sir.

Q. You remember a week ago Saturday--I believe you met with some injury on that occasion? A. Yes, sir.

Q. Whereabouts? A. It must have been down at the Star.

Q. Where were you? A. At the Star Hotel.

Q. I am not going to ask you about your own wounds except you were wounded. You see the four men? Will you tell me

whether you saw any of those Saturday night or early Sunday

morning? A. I am positive I saw this man.

Q. That would be Maede. Can you identify any of the others?

Q. You of course were wounded on the outset? A. Yes.

Q. I want you to be sure. I don't want you to take any chances, but to be satisfied? A. I would not like to swear

that I am positive. know where Maede came from? A. No, I

Q. Now tell me where you first saw Maede. Where was he coming from--where did you see him? A. The first I see him he was coming at me outside.

Q. Do you know from whence he came--where he came from when he came at you? (Shows witness plan.) You were not in the building when you were hurt? A. Just outside the building, right in front of the hall door on the sidewalk.

Did you see any Japs. coming from the building on to the sidewalk? A. Yes, that was the first I seen.

Q. Where did they come from, did you see? A. They were coming from the dining room from the saloon. I stepped in the door to see the racket.

Q. Now, what did you see? A. Well, I seen them coming out. There was a lot of men in there making an awful racket, and when I see them come out a couple or two or three, I couldn't say for sure whether two or three Japs. and one white man.

Q. Two or three Japs. rushing one white man? A. Out of step-doors.

Q. Is Maede one of those Japs. you saw coming out? A. No, sir.

Q. Then he came out subsequently? A. Afterwards.

Q. You saw nothing of what took place inside? A. Not in the bar room, no sir.

Q. In what condition--what state of mind--did the Japanese who were rushing this white man appear to be? A. Well, they were all wild; they were all mad and wild.

Q. What were they saying, anything you understood?

A. Not that time, until afterwards.

Q. Afterwards did you hear them say anything? A. Yes.

Q. What was that--were there any threats made? A. "Kelo", as near as I can pronounce it.

Q. You of course were wounded on the outset? A. Yes.

Q. And do you not know where Maede came from? A. No, I could not say where he came from; he didn't have any hat on, he didn't have no coat on; he came out there for trouble. The first I seen of him he was jumping round with this other man, kicking him on the head.

Q. Do you know this other man? A. Yes; this man I just know him by sight, that is all.

Q. Brennan? A. Brennan, a Vancouver man.

Q. And you got injured in going to his rescue? A. Yes.

Q. You say Maede was one of the men attacking him? A. Yes ~~xx~~ sir.

~~X~~ Q. But you are not able to say he was one of those inside?

A. No, I could not say sir.

Q. How many Japs. were around there at that time of the trouble? A. Might have been 75, may have been ~~xx~~ 100.

Q. There was a large number of them? A. Yes sir.

Q. (Court) Were those men outside or inside? A. Outside; I was not inside until they came out. I stepped in and stepped out again as they were rushing this man out.

Q. There were from 75 to 100 outside? A. I guess so.

Q. And you say some three or four rushed this man Brennan?

A. Yes, and there were other Japanese coming out from right behind.

Q. When you were injured yourself did you notice any weapons or anything of that kind flashed? A. No, I don't say I just saw them. It was kind of dark, but I knew they had from the way they had their hands.

Q. And felt them afterward s? A. Yes sir.

~~Xx~~ Tell us what occurred when you got there? A. When I got in the bar, officer Kipp was ahead of me and he spoke to some people there, a white man and a Japanese, a white man named Scott. Scott told him that he had been wrestling with this Jap. and he had thrown him fairly and squarely and the Jap. said "Oh well, all right, never mind, let's all have a drink."

Q. Can you identify the Jap. who said that? Is he here among
T. Deasy sworn saith as follows:-
A. To the best of my knowledge and belief that is
Examined by Mr. Shoobotham;
the man (indicating).

* Q. What is your name? A. Thomas Deasy. I don't know his name, sir.

Q. You are a Provincial Officer, I believe, at present?

A. Dominion Constable, sir. I was looking at pictures and the

Q. At present stopping in Steveston? A. Yes sir.

Q. You remember you were here a week ago Saturday last?

A. Yes sir. Jap. A. Yes sir, I believe it was the same

Q. And were witness to some altercation, I believe, at the

Star Hotel? A. On Sunday morning.

Q. Shortly after midnight? A. Yes sir.

Q. Now then, you see this plan of the building, the front
of it. Here is the front door; there is the bar room, office

and here the folding doors. This is the dining room, here

the hallway. You might tell shortly your reason for going

there, and what you saw when you got there, the end of the

A. Well sir, we heard a disturbance. I was with officer

Kipp. I was sitting down at the corner of one of those

streets. Could be near those folding doors? A. Yes, and

Q. Outside or inside? A. Outside on the street corner;

and we heard a disturbance and officer Kipp started down for

the Star Hotel and I started with him, right after him.

We went through an alley - - opposite side of the slot machine

Q. You went through an alley way here? A. Yes sir; and

into a door--through the card room door, I believe they

call the place, and from that door through a door leading

into the bar room.

Q. You went through the door into the bar room, A? Yes.

Q. Tell us what occurred when you got there? A. When I

got in the bar, officer Kipp was ahead of me and he spoke to

some people there, a white man and a Japanese, a white man

xxxxxx named Scott. Scott told him that he had been

wrestling with this Jap. and he had thrown him fairly and

squarely and the Jap. said "Oh well, all right, never mind,

let's all have a drink."

Q. Can you identify the Jap. who said that? Is he here among these? A. To the best of my knowledge and belief that is at the dining room door another Jap. and white man were the man (indicating).

X Q. Which one is that, Maede? A. I don't know his name, sir. quite a number of them doing the same thing.

Q. (Court) Maede? A. They turned to the bar to have a drink and I turned to the wall and was looking at pictures and the slot machine on the other side. Shortly afterwards I heard I took out my club. Then I tried to separate them. I was a discussion between Scott and the Jap.

then rushed by two or three Japs., I don't know which, into Q. The same Jap.? A. Yes sir, I believe it was the same a corner through the swinging doors.

Jap. I heard the Jap. speak, you know, in broken English Q. You were forced through the swinging doors--is that out and I turned round and found officer Kipp was between them towards the front door? A. Towards the front door, yes sir, and just then I noticed some white man's arm shoot out and into a corner on the left, that is, on the left from here, hit the Jap. The white man I don't know. I just happened right up against where the glass doors is, in that corner, to take a kind of casual glance ~~xxxxx~~ around and I noticed the outside doors, they were shut. I then noticed Scott and then some Japs. jumping in from the card room, a number of some Japs. in the ~~xx~~ other corner. them. One of them took Scott and rushed him along the bar, Q. Opposite to you? A. In the right, opposite me, inside round in front of the bar until they got to the end of the of the swinging doors; then they turned back to the bar.

Q. What did you do then? A. Well, I noticed the dining

Q. Towards the front door? A. Towards the front door, sir. room door open and a glass dish came flying through.

Q. That would be near those folding doors? A. Yes, and dodged and it struck against the wall. At the same time near the folding doors but not through them and he had him these Japs. were striking me with that part of their fists with his back to the bar and they were holding one another (indicating) with their heads down and coming this way. by the shoulders. I noticed officer Kipp also just at that They struck me here and here and on my shoulder. I forced time and two others on the opposite side of the slot machine my way out of there with my club backwards, got out backwards were fighting, you know, holding on to one another; he through the swinging doors and got out and turned into the ~~xxxxxxgningxxxxxx~~ was going then to separate them.

bar, because I noticed Japs. were after me and I backed. (Court) Explain when you saw two others? A. Two Japanese down to see where officer Kipp was or what he was doing. and a white man.

When I got near him I noticed these two Japs. coming for me. Q. Not an officer? A. There was an officer, he started in I said to officer Kipp: "Frank, where is your gun?" I stuck to separate them. my club in my pocket and pulled out my pistol.

Q. Do you know the white man? A. No sir; I then went over to separate the Jap. and Scott. So I took the Jap by the men who are here. The man who throw out his arms after shoulders and tossed him around. They were just letting go I pulled out my pistol and told me to shoot I take to be their hold to have a punch at one another and I took the Jap. this man. by the shoulders and threw him across the room that way-- Q. That is Maede? A. I heard that man called that name, I

around. Scott passed me and I turned round again and right at the dining room door another Jap. and white man were holding one another and fighting; around the room there was quite a number of them doing the same thing.

Q. What further took place? A. I told them then "Stop this, I am a police officer", and I got struck by one of them and I took out my club. Then I tried to separate them. I was then rushed by two or three Japs., I don't know which, into a corner through the swinging doors.

Q. You were forced through the swinging doors--is that out towards the front door? A. Towards the front door, yes sir, into a corner on the left, that is, on the left from here, right up against where the glass doors is, in that corner. The outside doors, they were shut. I then noticed Scott and some Japs. in the other corner.

Q. Opposite to you? A. In the right, opposite me, inside of the swinging doors; then--

Q. What did you do then? A. Well, I noticed the dining room door open and a glass dish came flying through. I dodged and it struck against the wall. At the same time these Japs. were striking me with that part of their fists (indicating) with their heads down and coming this way.

They struck me here and here and on my shoulder. I forced my way out of there with my club backwards, got out backwards through the swinging doors and got out and turned into the bar, because I noticed Japs. were after me and I backed down to see where officer Kipp was or what he was doing. When I got near him I noticed these two Japs. coming for me. I said to officer Kipp: "Frank, where is your gun?" I stuck my club in my pocket and pulled out my pistol.

Q. Do you recognise as among your assailants any of these men who are here? A. The man who threw out his arms after I pulled out my pistol and told me to shoot I take to be this man. him saying "Shoot! Shoot!! Shoot!!" Behind him

Q. That is Maede? A. I heard that man called that name, I

did'nt know him. the axe. That is, he was standing this

Q. This man who is named here anyway as Maede--yes, who had the hatchet, or do you recognise the man who had the hatchet? A. No sir, he is not one of the three there. a new

Q. He is not one of those three? A. "Three or four times."

Mr. Martin: Those four? A. The other three. This is the one who had his hands out; the other must have had the hatchet, some other Jap, the assailants as far as you are con-

Q. But Maede was one of the men who was making a rush at you? A. Yes sir. I know that came towards me, yes sir.

Q. About how many Japs. would you take to be in the card room and in the bar room, where all this scrapping was going on?

A. At what time? A. No sir, when that glass dish

Q. At the time of the row, when you were there? A. When the rush came there were not very many, sir; they were getting out. another swinging door.

Q. That is at the time you drew your gun? A. Yes.

Q. But from the beginning when the row first started, about how many would you take to be there? A. Well, I could in? not say the number, sir. I should judge in the card room and around in the bar room, I should judge there must have been during that was going on, I should think 15 Japs--I man should judge 15. hands and held it together because he was

Q. There was a number in any event? A. Quite a number. I could not say the exact number but I should judge--

Q. Did you see any of the other Japs. than those who were your particular assailants have any weapon or anything of that kind? A. No sir.

Q. What did you do after you drew your gun? A. Well, as in soon as I did, this man threw his arms out -- -- I don't

Q. The one known as Maede? A. XXXXX -- and he three times said "Shoot." rushed? A. Yes, he was over in the

Q. Yes, did he say anything else? A. I don't remember any more than him saying "Shoot! Shoot!! Shoot!!" Behind him here. He was in the other corner.

was the man with the axe. That is, he was standing this way to the right of him. Just coming with him was the man with the hatchet, but the minute I pulled the pistol he crossed his arms with the hatchet in it. It had a new handle and he also cried out "Shoot!" three or four times.

Q. Their attitude was such that you felt you were in danger?

A. I was in danger quite a while, sir.

Q. But the only one of the assailants as far as you are concerned who came towards you was the ~~xxx~~ Jap. known as Maede?

A. The only one that I know that came towards me, yes sir.

Q. At that time did you see Scott at all after he was rushed into the corner opposite to when you first rushed in? Did you see Scott after that? A. No sir; when that glass dish came through I noticed he had disappeared. I had a look at him afterwards, you know, found him back of the door in between another swinging door.

Q. That is in this room here to the left as you go in through the front door? A. Yes, to the left.

Q. When you found Scott afterwards, what condition was he in?

A. He had a big gash in the back of his head here; that is what I noticed at that time. It seemed to me from here (indicating) right away down to his neck here, and the other man he took his both hands and held it together because he was lying in a pool of blood. The man held it together until the doctor arrived.

And you remained there until the doctor arrived? A. The second time, yes. Yes, I went out with the officer before that.

Q. Did Scott receive his wounds during the time you were in the room scrapping with these other Japs? A. Oh, I don't know; I didn't see him receive them.

Q. You saw him being rushed? A. Yes, he was over in the corner with Japs.

Q. You did not see him with the Japs.? A. No sir, I was here. He was in the other corner.

Q. At the time the scrap was over you went away before you came back and found Scott in that condition? A. Yes sir.

Q. Was everything quiet when you went, or what did you leave for? A. Well, it was pretty quiet when I left, yes. I was hearing an argument and the policeman--when the policeman came did not see any more trouble or any appearance of any more trouble. Maede said, "Oh, it's all right, let's have a drink."

Q. At that time? A. No sir. Scott had said before that he had thrown the man fairly and squarely.

Q. Then what did you do? A. Well then I looked around and noticed the officer was going out from the card room door and I backed up and followed him.

Q. You still backed? A. Yes sir.

Q. How many Japs. were left in the room at the time you went out? A. I only noticed two.

Q. After you? A. Yes, that is the man with his arms out, and the man with the hatchet, but there were two in the card room; they advanced towards me too after I backed out into the card room.

Q. So they were still aggressive then to the time you left? A. Well, they were going to be.

Q. But you still had your weapon? A. Yes, I turned it round this way towards them and they stopped too.

Q. And you got out in that way? A. Yes, I went out to see what the officer was going to do.

Q. Did you go to the Chief? A. I said to him, "Frank, what's next?"

Q. As a result of what you said you went and got the Chief? A. Yes.

Q. And it was afterwards when you came back you found Scott in this condition? A. Yes. Well, he had been found before because there was a man kneeling alongside of him;

at the time when I went, there was Scott lying in this corner with a pool of blood round him.

Q. You have no doubt that Maede was one of those mixed up in that altercation? A. He was one, yes sir.

properly was the time he came in front of me and threw out his arms.

Q. You had not seen him up to that time? A. He might have

b Cross-examined by Mr. Martin: I state.

Q. What did you mean by telling us Scott was talking about

Q. You say the first you saw was Maede and Scott drinking

having thrown him fairly? A. Yes sir, a Japanese.

Q. And that Maede, you said, came up and said "Well, let us

ing an argument and the policeman--when the policeman came

have a drink? A. Well, in my evidence--the first of my

in Maede said, "Oh, it's all right, let's have a drink."

evidence--I didn't say that. I made the mistake of saying

Scott had said before that he had thrown the man fairly and

Maede in replying to this gentleman, but when I started in

squarely.

I didn't say Maede, I am sure. I said a Japanese, and they

Q. And Maede said "Oh, it's all right, let's go and have

a drink." Did they go and have a drink? A. They went to

Q. Did you understand the Jap, who came up and said "Let's

the bar; I don't know what they were drinking.

have a drink on way, was the man Scott had been wrestling

Q. They were drinking? A. Yes, turned to the bar then.

with? A. I don't know sir. I don't know who he had been

Q. Scott said he was not drinking with Maede but with 'Te

wrestling with. I didn't come in until afterwards.

Kary? A. I think if you will take my evidence you will

find I said it was a Jap. I didn't say that Maede was the

man who drank with Scott. I said a Jap.

Q. That is all taken down wrong? A. Yes, sir; I change that

Q. Did you even see Maede? A. Well, these names mix me up.

about him being xxxxx the Jap. I understand I said when

Q. Did you see Maede at all? A. I don't know his name at

the altercation was on it was a Jap.

all. I know it was a Japanese by his language.

Q. And you have no recollection of turning round and looking

Q. Was it the same man who was advancing towards you with

carefully at all these four men, and then saying "That is

the hatchet? A. No sir, I don't think it was.

the man? A. This man I said had his arms out--that is

Q. It was not the man that drank? A. I don't know; I

what I meant.

could'nt tell you whether the man with the ~~xx~~ hatchet was the

Q. That is long before you ever came to that part at all.

man who drank.

You heard it read? Mr. Shoebottom asked you to look care-

Q. No, but in the first place you said you came in and this

fully at these men and then having done so you said "That

man Maede said to Scott, "Let's go and have a drink", and

is the man" pointing to the man called Maede? A. Yes.

that Scott had been saying he threw him fairly and squarely?

Q. Referring to him as the man that came up to Scott and pro-

A. Will the gentleman here kindly look at his book, at that

posed to have a drink? You withdraw that? A. I withdraw

evidence, and see if I said Maede. I said a Japanese.

saying I am positive this is the man, sir.

Q. But a moment ago you said Maede? A. Well, I don't know

Q. If you could not stick to that which you swore to just

the name Maede from any other.

a few minutes ago, are you prepared to stick to the other?

Q. Was it, or was it not? When did you first see this first

that he was the man that had his hands up? A. Yes, because

Jap. ~~xxxxxxxxxx~~ called Maede that night? A. The first

I was looking his right square in the face.

time I noticed him, Mr. Martin, so as to recognise him

Q. And you say that is the man? A. That is the man to the

properly was the time he came in front of me and threw out

his arms.

Q. You had not seen him up to that time? A. He might have been there but I could not positively state.

Q. What did you mean by telling us Scott was talking about having thrown him fairly? A. Yes sir, a Japanese.

Q. And that Maede, you said, came up and said "Well, let us have a drink?" A. Well, in my evidence--the first of my evidence--I didn't say that. I made the mistake of saying Maede in replying to this gentleman, but when I started in I didn't say Maede, I am sure. I said a Japanese, and they wrangled afterwards.

Q. Did you understand the Jap, who came up and said "Let's have a drink anyway", was the man Scott had been wrestling with? A. I don't know sir. I don't know who he had been wrestling with. I didn't come in until afterwards.

(Questions and Answers marked ~~x~~ ~~t~~ ~~x~~ page 76/9 read to

Geo. Br. witness). and said as follows:-

Q. That is all taken down wrong? A. Yes, sir; I change that about him being ~~xxxx~~ the Jap. I understand I said when the altercation was on it was a Jap.

Q. And you have no recollection of turning round and looking carefully at all these four men, and then saying "That is the man"? A. This man I said had his arms out--that is what I meant.

Q. That is long before you ever came to that part at all. You heard it read. Mr. Shoebottom asked you to look carefully at these men and then having done so you said "That is the man" pointing to the man called Maede? A. Yes.

Q. Referring to him as the man that came up to Scott and proposed to have a drink? You withdraw that? A. I withdraw saying I am positive this is the man, sir.

Q. If you could not stick to that which you swore to just a few minutes ago, are you prepared to stick to the other, that he was the man that had his hands up? A. Yes, because I was looking him right square in the face.

Q. And you say that is the man? A. That is the man to the

best of my knowledge and belief.

Q. Do you think he was or was not in there when the drink was ordered? A. I tell you I can't positively say.

Q. All you know is it was a Jap., A. Yes sir, it was a Jap. We were standing sideways when this dispute was going on and they went to the bar to have a drink.

Q. How can you so deliberately say so--"it was the man"?

Can you ever do that? A. No sir, I can't; it is a mistake; it was a Jap.

Q. Well, isn't it better for a man not to come here and swear - - - A. Well sir, I was positive and when you corrected me I gave my correction as well as I could.

Geo. Brennan sworn saith as follows:-

Examined by Mr. Shoebotham:

Q. What is your occupation, Mr. Brennan, where do you live?

A. My house is in Blaine.

Q. Where are you living at the present time? A. Steveston.

Q. You are a fisherman, I believe? xxx A. Yes.

Q. You remember, I suppose, a week Saturday last--were you at the Star Hotel? A. Yes sir.

Q. And I believe you were in an altercation with some Japanese? A. Yes.

Q. Where did you first get into the altercation with the Japs--inside or out? A. Well, I think it was inside.

Q. Before you got into the xxxx altercation inside, did you see Scott inside? A. Yes sir.

Q. Standing where? A. We were standing at the bar drinking.

Q. Were you there at the time of the friendly wrestling bout? A. Yes sir.

Q. Between whom was the wrestling done? A. Between Mr. Scott and the Japanese.

Q. Do you know the name of the Japanese? A. I do not.

Q. Do you recognise him among those ~~xxxx~~ sitting there beside you? A. Well, I would not say for certain by looking at him. I only seen him for a little while, therefore I would'nt be certain. This man here (indicating) resembles him, I think.

Q. That man resembles him? A. That first man.

Q. He is known as Maede. Is he the man with whom the wrestling took ~~place~~ place? A. Yes, that is the man as far as the best of my knowledge.

Q. Yes, that is the man you would take for him? A. Would take for him, yes.

Q. How long did he remain there? A. Well, it was Mr. Scott threw this man fair and square and then he went out.

Q. Did he say anything when he was going? A. Well, he did'nt seemed to be very much pleased about it.

Q. Well, did he say anything at all? Did you hear him make any remark? A. I could'nt say for sure he made any remarks; no, I would'nt say.

Q. Well, we want you to tell exactly what you know? A. Well, he went out and - - -

Q. Did he make any observation? A. No, we just, when he went out we turned around and had a drink at the bar, just drank our drink.

Q. You remained there still? A. Still remained there.

Q. Did he come back again--that man whom you took to be Maede? A. I did'nt see him afterwards; that is the last I seen of him.

Q. You did not see him afterwards at all? A. No I did'nt see him at all, I am sure.

Q. You are sure you did not see him? Were you there when Mr. Deasy pulled his gun? A. I did'nt see Mr. Deasy at all.

Q. Were you having any trouble yourself? A. Yes sir.

Q. You say you had your first trouble inside of the house, where--in the bar room? A. Well, we were standing there,

I and Scott, and there was a Jap.--I wouldx not know, Scott says it was that there man, but I don't know; I would'nt and know who they were--but they were standing and him and being Scott were having x a drink and I was drinking with them and there was some other Japs. there, and--I don't know--looked like they were arguing there, saying something, and one grabbed me and pulled me and called me a son of a bitch.

Q. How long was that when he did that after the wrestling took place? A. Well, that must have been about half an hour afterwards.

Q. How many Japs. were there when you were called that name?

A. I could'nt say exactly; the door leading from the bar to the sitting room was blocked with them; that is all I can say.

Q. Could you form an estimate of how many there were?~~there~~

A. Well, I could'nt say exactly; there may have been--I could'nt exactly say how many there were--may have been a whole lot behind there that I didn't see.

Q. I know -you could not tell. But do you recognise among those four men who are sitting there any of those who were at that hotel that evening, the time of the altercation?

A. Well, this man that was wrestling; this is the only man.

Q. Was he there--I am asking you now the time of the altercation--when this carving is supposed to have taken place? A. I would not swear.

Q. Do you recognise any of the others? A. No sir, I don't recognise; it was in the dark. At some time the dining room door was open and the Japs. grabbed me and rushed through into the dining room.

Q. Where did they rush you from the dining room?

A. Well, they rushed me out of the hall door.

Q. Through here(indicating) and ~~xxx~~ out on the street?

A. Yes.

Q. Did you meet Dixon? A. I didn't see nobody there; they had me down there and kicked me. I was more insensible than

anything else.

Q. You then came in for a certain portion of the abuse and you say now you cannot recognize any of those four as being among the crowd of Japs. there? A. Not when the event occurred. This man was the only man at the time of the wrestling. The best of my knowledge. I ain't sure though.

Q. Did you hear or see him when he came in to wrestle into the Star Hotel? A. Yes.

Q. What was the conversation that took place between him and Scott when he first came in? A. He was talking about being a strong man or something and he wanted to wrestle, so him and Scott went to wrestle friendly.

Q. Yes, I understand it was friendly enough? A. At least we thought it was.

Q. In what condition was he--sober? A. The Jap., I don't think, he didn't act as though he was sober. I had never seen him act like that, I had never seen any act like that before--a Jap.

Q. Had you ever seen him before? A. Not to my knowledge.

Q. And you say he was not there to your knowledge, at least he was not there afterwards from the time of his going away?

A. Yes.

Q. Do you recollect what he said when he was going away?

A. No sir.

Q. And you did not see him come back and stick his head in the door or anything of that kind subsequently?

A. No sir, I didn't see anything at all. I didn't know these men were cut up until the morning.

Q. What did you do when you got clear? A. I don't know;

somebody dragged me away from them.

Q. Do you know who went to your rescue? A. I found out afterwards. I didn't know at the time.

Q. Did you see any of the Japs. rushing Scott? A. Well, while I was--I seen them; I don't know whether it was Scott or who it was, but I kind of judged from him being with us,

that is, they went out through the folding doors and then they rushed me through the dining room.

Q. They rushed the whole of you--they did not pick out anyone particularly--it was a case of rushing every white man there?

A. I don't know; there was some other white man in there ~~xxxxxx~~ to the best of my knowledge. I ain't sure though.

Q. Did you see the Japs. attack any other besides Scott and yourself? A. No, I didn't see any body.

Q. The time you were rushed, Deasy was not there--he came subsequently? A. From what I understand he came there afterwards when they had me down; when they had me down outside.

Q. When you were in the dark Maede the Jap who was wrestling might have been there and you not seen him? A. He might have been there.

Cross-examined by Mr. Martin:-

Q. There was a good deal of drinking going on, wasn't there?

A. Yes, we were having quite a few drinks.

Q. You think this man Maede, the wrestler, was pretty well full before he started? A. I am pretty sure; I think he was.

Q. And how was Scott at any time during the evening, did he get pretty full? A. Well, I couldn't judge whether he was full or not; I couldn't say ~~xxxxxxxxxx~~. For myself, I had

a little bit too much in me. That is why I can't --couldn't

Q. Did you see any other white men there that were as pretty full? A. Well, there was one fellow there pretty full; he is a man from Vancouver.

Q. What is his name? A. I don't know; I just met him that day.

Q. Mr. Deasy, you probably heard him swear that the first he saw was a white man striking a Jap, you don't know that?

A. Well, they tell me I hit a Jap. after he pulled me, but I don't remember it.

Q. It may have been you, then? A. It may have been. I know this Jap. pulled me away and then we mixed it up.

- Q. Were the other Japs. full too? A. Well, I could'nt say.
Q. Did you see them drinking? A. I did'nt see only one
Jap. drinking and that is this man drinking with Scott.
From what I should judge I don't think he would be able to
get it except as he seemed to be a friend of Scott's.
Q. Court: Can you recognise any of the Japs. as having
assaulted or struck you? A. No sir, I could'nt recognise
anybody at all.
Q. What kind of a hold had the Jap. upon Scott--this Jap.
that went and took hold of him? A. He caught hold of him
by the arms rather roughly. - - - - -
Q. And then someone struck the Jap? A. Yes.
Wm. Morrison sworn saith as follows:- there? A. Maede was
there.
Q. Where do you live? A. I am stopping at present in
Steveston. I came from Vancouver.
Q. How long after that was it that this scrap, this fight,
took place? A. Oh, I could not say now exactly how long--
Q. What is your occupation? A. I am working at Mr.
Mackinnon's.
Q. After that again? A. The raid?
Q. I believe you were at the Star Hotel a week ago Saturday?
A. I was.
Q. Do you know anything about this row that took place?
A. I seen most of it.
Q. And how long did they remain away? A. Oh, probably half
an hour.
Q. Were you there at the time of the wrestling? A. I was.
Q. Doxx you know the Jap. that was wrestling with Scott?
A. I don't know him.
Q. Had you ever seen him before? A. I had not.
Q. Could you recognise him now? A. I could.
Q. Will you pick him out? A. (Witness identifies a prisoner).
Q. Maede. What gave rise to the outbreak, the quarrel, when
it began to assume a serious aspect? A. Well, the Jap.
did'nt seem satisfied that he got thrown, and he went out;
he said something about bringing a stronger--bringing another
man, and he went out.
Q. Did he come back? A. Yes he came back and brought
another man.
Q. And what took place? A. This other man caught hold of

Q. Is that Sakai? Did you notice any of these men at any time during the quarrel take any part in it? A. I seen this with him.

Q. Then what took place? A. ~~Thxxxxxxxxxxxxxxxxxxxx~~ Well, he was--some person, some other gentleman in there, hit this man that had hold of Scott.

Q. Hit the Jap.? A. Yes, the man that came back.

Q. What kind of a hold had the Jap. upon Scott--this Jap. that went and took hold of him? A. He caught hold of him by the arms rather roughly.

Q. And then someone struck the Jap? A. Yes.

Q. At the time this was done was Maede there? A. Maede was there.

Q. How long after that was it that this **scrap**, this fight, took place? A. Oh, I could not say now exactly how long--

Q. Did you see Mr. Deasy there? A. I did.

Q. After that again? A. The raid?

Q. After the rush of Japs. When they came did this strong man that came with Maede go away? A. Yes, he went out. Oh,

Q. And how long did they remain away? A. Oh, probably half an hour.

Q. Have you any idea of the number of Japs who came into the hotel out of the sitting room and bar room at the time the quarrel took place--the fight? A. Would be at least a dozen.

Q. Do you recognise among those men sitting there any of those who came back? A. I know this man.

Q. That is Maede? A. But he was not one of the first to come back in the raid; and that man--this gentleman here, he was not in the raid, he stayed in all the time.

Q. Te Kary. Do you recognise any of the others? A. I would not say for certain, but I believe I seen that gentleman at the end in the raid.

Q. Were you there when they found Scott? A. Yes; Mr. Lamont,

Q. After that Maede came back again with a gun

Q. Is that Sakai? Did you notice any of these men at any time during the quarrel take any part in it? A. I seen this gentleman shoving Mr. Scott.

Q. You saw him; that is Maede; that was at the time of the actual fight? A. Yes.

Q. At the time of the quarrel. Did any of them, or did you see, rather, any of them with any weapons which would inflict serious injury? A. I seen one coming in from the card room, coming in through the door with a hatchet in his hand.

Q. Did you in any way get mixed up in it? A. No.

Q. You were in a position to recognise - - - A. I was standing beside the slot machine, about half way through the bar.

Q. You got into the sitting room and came in that way into the bar? A. Yes.

Q. Did you see Mr. Deasy there? A. I did.

Q. Did you see him at the time the Japs. were aggressive towards him? A. Yes.

Q. At the time the gun was pulled? A. Yes.

Q. At that time did you see what had become of Scott--how he was rushed? A. I seen him rushed as far as the shutters.

Q. Those would be what they call the swinging doors?

A. Yes.

Q. Which way do they push--in or out? A. The other way.

Q. When they were shoved, right back towards the front?

A. Yes.

Q. And you say--I want you to be positive about that--you recognised Maede as one of the men? A. He was pushing Scott.

Q. About what time would this be? A. Oh, it was after 12; I won't say how much; it was after 12; probably about a quarter past.

Q. What did you do after the altercation was over--where did you go? A. I just remained in there, in the bar; after the two policemen went out I stayed in.

Q. Were you there when they found Scott? A. Yes; Mr. Lamont,

Q. (Court) After this man Maede came back again with a man

he told me there was some person he didn't know who hurt this second time he went out, what took place before he at the end of the bar. I went out and brought in a lamp from outside and went in.

Q. And found Scott? A. In there bleeding.

Q. In what condition was he then--unconscious? A. Yes, at least he was calling for the doctor.

Q. Then after he was rushed that way did you see him come into the bar room again? A. No.

Q. He remained in there from the time he was rushed until he was found in the condition in which he was? A. Yes.

E. Cross-examined by Mr. Martin:

Q. Do Japs. look a good deal alike? A. Yes.

Q. Do you think you are sure you could pick one out in a crowd like that? A. I can swear to this man.

Q. You heard Scott say he didn't think he saw him again after the wrestling? A. I saw him again. I saw him different times.

Q. There was a good deal of drinking going on there?

A. Yes; Mr. Scott and two or three other gentlemen were doing a little drinking.

Q. What do you call a little drinking? A. Well, having a little drinking; while I was there they had a few glasses.

Q. What condition were they in? A. One of the gentlemen seemed rather a little the worse of liquor.

Q. Who was that? A. That gentleman who was giving evidence before me.

Q. Brennan? A. I don't know him.

Q. How was Scott? A. Scott seemed to be all right--seemed to be quite sober.

Q. And how were the Japs.? Did you see any of the Japs. drinking? A. Well, they came in; I don't know first whether, when they came in, whether they had been drinking or not. When they came in they were standing at the bar. I won't say whether they had a drink.

Q. (Court) After this man Maede came back again with a man

Q. What did you see when you came back? A. Well, I went in this second time he went out, what took place before he went out again? A. The friend that he had with him caught hold of Scott by the arms and said, "You strong man?" and he was knocked down. I won't say whether it was Scott or some other gentleman knocked him down. They got up then and went out, the two of them--the Japs.

Q. How long afterward? A. Just a few minutes.

Q. How long would it be from the time those two went back

before the crowd arrived on the scene? A. Oh, I could'nt just say what length of time it was; there was quite a bit

E. Gilbert sworn saith as follows: 'much attention to the time. Examined by Mr. Shoebottom:--ugh.

Q. Mr. Gilbert, you live where? A. Stevenson at the pre-sent time. Oh, there was quite a crowd came in there. I

Q. Just to come shortly to what we want. You were at the Star Hotel, I believe, on Saturday week? A. Yes. In? A. Oh,

Q. The evening of the 30th. Were you there when the altercation took place? A. I came just after the wrestling match. Friendship or how? A. No, they didn't seem to be in

Q. But before there was any free-for-all fight? A. Oh, yes.

Q. Just tell us, as shortly as you can, what you saw and what took place there? A. Well I don't know so far as I saw very much about it. I came in there just as the Jap.

was going out after wrestling with--they said he had been wrestling with Scott. He went out; said some remark that they was not friends, or something to the effect; he would go and get one strong man. Any of them in any way and there

Q. Then evidently you went there after the first wrestling bout? A. Yes.

Q. The only one that took place. Did you remain until that particular Jap. came back with his friend? A. No, I didn't; I took a walk down to the oil well.

Q. And then how long did you remain away? A. Oh, I don't know; might have been 15 or 20 minutes, something like that.

Q. Did you come back? A. Yes I came back, but whether he

Q. What did you see when you came back? A. Well, I went in the star hotel. I was standing there for a little bit. I seen this Jap. come back and he fetched back another one with him and they went in. I didn't notice whether they were talking or what was going on. I saw one of the Japs.-- the one he fetched back get hit by somebody. They went back again. I waited then till the crowd came.

Q. How long would it be from the time those two went back before the crowd arrived on the scene? A. Oh, I couldn't just say what length of time it was; there was quite a bit of talking going on. I didn't pay much attention to the time. It was not so very long, though.

Q. How many came into the building? A. When the crowd came? A. Yes? A. Oh, there was quite a crowd came in there. I don't know, probably 10 or 12 of them.

Q. What was the attitude of the crowd that came in? A. Oh, must have been 10 or 12 of them.

Q. But I asked you what attitude? Did they come in a spirit of friendship or how? A. No, they didn't seem to be in much spirit of friendship.

Q. What did you judge from what you saw? What were they there for--for a good time? A. No, they seemed to come in prepared for a fight.

Q. Will you look upon those men there and see whether you recognise amongst those any of those who came there? A. No, I would not swear to any of them that came back in the rush. I was not acquainted with any of them in any way and there was quite a crowd there. I would not swear to any of them.

Q. You would not swear whether any of those - - - A. Well, this man here (indicating), I seen him--he was there wrestling with Scott.

Q. But I am not speaking about that time, but when they came back in this mood. When they came together, was he among them? A. Yes, he was; he was amongst them, but whether he

engaged in the fight or not I can't say.

Q. All I want to know ~~xx~~ is, was he amongst the crowd that came back? A. Yes, he was amongst the crowd that came back.

Q. You say you cannot recognise any of the others? A. No, I would not swear to any of the rest of them.

Q. Were you molested in any way yourself? A. No, I was standing back in the card room.

N. Malcolm sworn saith as follows:-

Examined by Mr. Shoebotham:-

Q. Where do you reside, Mr. Malcolm? A. Steveston.

Q. Were you at the Star Hotel on Saturday evening, the 30th, and from that on? A. I was there late.

Q. What time? A. About one o'clock when I was there.

Q. One o'clock Sunday morning? A. Yes.

Q. Were you there during the altercation at all? A. No, I didn't see any row at all.

Q. Do you know anything about this row that took place?

A. I know it took place. I was there afterwards, after the cutting match. I saw the fellows that got hurt.

Q. Did you see any of those who were engaged in the quarrel outside of those who were ~~wounded~~ wounded? A. Not in the Star Hotel I didn't.

Q. Did you see any at all at any other place? A. Yes, I saw them down in the Chinese house No. 14; there was a couple of Japs. came in there, seemed excited and they took 5 or 6 Japs. out with them.

Q. Can you recognise among those who are sitting there any of the Japanese that went there? A. Well, this man here that came in and done the talking in Japanese, I don't know what he said.

Q. Who is that--Maede? Where was this China house that he went to? A. No. 14.

Q. On No. 1 Road? A. I don't know what road it is; back there, just by where the flood gate is in the dyke.

Q. Up in what they call lower Chinatown, in any event? A. Yes.

A. Yes. I went through the alley into the card room here;

Q. And they went away. How many Japs. went away with them?

A. Well, they took pretty well all they had in the house, eight or ten. One of the Japs. said to me, "It is all right, Mr.

Q. And I understand you to say he and his chum were very excited when they came there? A. Yes. This is the Jap.,

Q. You don't know where they were going? A. No; I asked the Chinaman what is the matter, and he said "There's a fight going to be a fight." That is all I know about it/ card room

Q. So you did not follow them, and you do not know, except what you heard, as to the result? A. No, I didn't see them fighting at all.

Q. Are you quite certain the man known as Maede is the person who came? A. Yes; I would know him if I saw him again to the Jap., as soon as I got through the door into the bar, any time.

"What is the trouble?" and Scott started to tell me. This

here Te Kary he steps up and said "Come and have a drink,

Mr. Frank." So I said alright, thinking maybe it would

stop it. So I stepped to the bar, took a cigar, stepped back,

T. Kipp sworn, saith as follows:-

Examined by Mr. Shoebotham:

at my right hand. I was standing in the centre of the bar

What is your name? A. Frank Kipp. Brennan was standing in

Q. I believe you are a police officer? A. Yes sir.

Q. At Steveston and know something of this row that took place a week ago on Saturday? A. Yes sir/ the time I got the

Q. Will you tell us shortly as you can your connection with it? A. Well, when I first heard of the row I was sitting and down there by that Chinese store. A crowd came in and one

Q. That is down below the Star Hotel? A. Down this way, east from the Star Hotel. I heard some holloaing down

there and one fellow holloaed "fight."

here. He went right after Scott, the minute he started he

made right straight for Scott, and the Japs. came in there

Q. From a noise--what you heard--you made your way to the Star? A. Yes.

Q. You went in from which direction? A. Through the alley; went clean through the alley into the card room here; and this door, I stepped inside of the door and said "What is the trouble?" Scott started to tell me what the trouble was, and one of the Japs. said to me, "It is all right, Mr. Frank, you come and have a drink." He knew me because I had had little dealings with him before. This is the Jap., Te Kary. He said "Come and have a drink." I said alright, stepped to the bar and took a cigar. After I took a cigar I stepped back into the door again, going into the card room into the bar. Scott still stood on my right hand and there was a Jap. standing - -

Q. You were going out here and Scott was standing this way (illustrating)? A. When I came into the bar first I said to the Jap., as soon as I got through the door into the bar, "What is the trouble?" and Scott started to tell me. This here Te Kary he steps up and said "Come and have a drink, Mr. Frank." So I said alright, thinking maybe it would stop it. So I stepped to the bar, took a cigar, stepped back, went to light it; I had the cigar in my mouth and Scott was at my right hand. I was standing in the centre of the bar and there was a Jap. at my left. Brennan was standing in front of me while Scott was talking to him. This Jap. and Brennan got into an argument. I turned to them and told them to stop--didn't want no more row. About the time I got the words out of my mouth this Jap. called Brennan a pretty strong name, called him a son of a bitch; "you son of a bitch", and as he did Brennan hit him and then the crowd came in and one of the Japs. went after Mr. Scott.

Q. Can you recognise him? A. Yes, it was this man Maede here. He went right after Scott, the minute he started he made right straight for Scott, and the Japs. came in there

so lively it was hardly time for a person to think; and this ^{here} Maede followed Scott right up along the bar and got him into the corner. In the meantime Deasy was off that way, off near the door going into the dining room and he was in a scuffle. I turned round and saw him pull Maede from Scott. As he did this there was two or three other Japs. took hold of him and he caught hold of one Jap. and threw him back and when he did so I grabbed him and he took hold of my arms and through the tussle I got a bottle of whiskey in the back of the head. The bottle broke and the whiskey ran down my clothes and it did not put me to the floor but kind of dazed me. I kind of staggered off to one side up against the bar and when I hit the bar I put my hand round to my hip pocket for my gun. I could see what was going on all the time but I was kind of dazed and could not do anything myself from the blow I got on the head.

Q. Before you got that blow, did you recognise among those men there any of those who were at the altercation other than Maede that you have already identified? Can you recognise either one of those others as being there?

A. Well, this man here (Komena) I think was in the fight there, but I would not swear positively whether he was or not.

Q. I do not care so much whether he was in the fight or not, but was he there, that is what I ask you? A. I think he was, but I would not swear positively whether he was or not.

Q. Any of the others whose faces are familiar? A. Te Kary and this man--there is two that I can swear to, this Maede.

Q. What was Te Kary doing? A. Well after the row had started I didn't see Te Kary, at least I didn't notice him, everything was done so quick, but I know that I can swear that he was the man that called me to the bar to have a drink.

Q. What did you do after you were stunned? A. Well - - -

Q. When did you become aware that Mr. Scott had been injured or wounded? A. Not until after the row was all over and I

Q. You say you arrested them at the star hotel? A. In front of Star Hotel, on the sidewalk. I didn't know it was any more than a bar room scrap.

Q. You went to the Chief to report? A. Because it was after hours.

Q. You came back? A. I came back and got near the hotel, and a party steps up to me and told me there was two men badly cut.

Q. And you found Scott where? A. Found Scott lying in the little room at the end of the bar, that is the office.

Q. Who made the arrest of these four men? A. Well, we went back down to the hotel and this is the first man that I noticed (Te Kary). He was standing out on the sidewalk, kind of looking inside, and trying to look inside and I walks up to him and arrested him.

Q. By the way, before I go any further, I forgot; during the altercation, did you see any weapons outside of your own gun? A. I saw a hatchet in the bar; a Jap. had a hatchet.

Q. Were there any knives or anything of that kind? A. I didn't see no knives.

Q. Do you know the Jap. who had the hatchet? A. No, I don't recognise him among these four.

Q. Then you arrested Te Kary first? A. I arrested Te Kary first; Te Kary and these other two men were with him.

Q. Which two were those? A. Komena? - - No.

Q. And Sakai? A. Yes, Sakai.

Q. I just want to ask you, in what condition did you find these other two men? A. Komena and Sakai?

Q. Yes. A. Well Sakai there, his shirt was all torn round his neck here, all torn down the side and all the front was torn down and kind of stuck on the top of his pants here, and he had his coat buttoned up over. That is the way he was when we brought him down. He was in company with Te Kary.

Q. Would you recognise the shirt if you saw it? A. I would, yes sir. That is the shirt.
(Shirt marked Exhibit "B.").

- Q. You say you arrested them at the star hotel? A. In front of Star Hotel, on the sidewalk pulled or attempted to pull.
- Q. And Komona also, what was his condition? A. Well, we found some blood on the back of his shirt here and some on the sleeve of his shirt, after we brought him down here.
- Q. Was the mark fresh? A. Yes, looked very fresh. was just
- Q. In what condition were the stains? A. Well, they were much - - -
- Q. Would you recognise his shirt if you saw it? A. Yes, that is the shirt. You can see the blood on the back here.
- Q. And where on the sleeves? A. This sleeve here, on the sleeve. says that up to that time he did not see Maede at all, as far as (marked Exhibit "C."). probably didn't know on account of being among so many Japs., but I, knowing Maede,
- Q. At the time you arrested him was the blood dry or wet?
- A. It was dry but it looked fresh.
- Q. How long would that be after the - - - A. That would be about--well, I should judge in the neighbourhood of between 30 and 40 minutes, I guess. I would not swear positively.
- Q. Did he have any other garments on over that--coat and vest? How was he dressed? A. When he came down here?
- Q. No; when you noticed that; how was he when you found him? A. Well, he just had the shirt on.
- Q. No coat or vest? A. No.
- Q. He had not his coat or vest on him? A. No.
- Q. And Te Kary you say was not--you did not see him mixed in the fray at all? A. I didn't see him mixed in the fracas.
- Q. Have you any idea who struck you? A. I have not.
- Q. Or do you recognise among them any of your assailants?
- A. I could not swear who it was struck me because I got the blow from behind.

Cross-examined by Mr. Martin:-

Q. You are quite sure Deasy pulled or attempted to pull Maede off Scott? A. Yes sir.

Q. Did you hear this story of his about the man and the hatchet coming at him and the other man? A. Yes.

Q. Have you any idea when that occurred? A. That was just about the time, well it was after I got the blow on the head.

Q. How do you know, did you see it? A. Yes sir, I saw it and it was just about the time I was getting my senses into good shape again.

Q. He says that up to that time he did not see Maede at all, as far as he knows? A. Well, ^{he} probably didn't know on account of being among so many Japs., but I, knowing Maede, and knowing Te Kary for quite a while - - -

Q. But he knows Maede--swears to him positively? A. All right sir.

Q. He did not tell us a word about taking Maede off Scott?

A. Well, I don't know anything what he said, I am sure.

Q. You remember what he said. You noticed that, didn't you?

Did he see you struck with a bottle? A. I don't know whether he did or not.

Q. Well, could he help seeing you? A. Yes, because he was in front of me. He was in the corner wrestling with three or four Japs. The Japs. Had got him in the corner.

Q. You say you don't think he saw you struck with a bottle?

A. I don't think he did. I would not swear whether he did or not.

I pressed them again all first. After I got through with them, there was some blood on the back of his neck and on examination I found another wound, or what we call the xxxxx

R.F. Greer sworn saith as follows:-

Examined by Mr. Shoebottom:--that little lump at the back of the neck just on the side of the prominent bone here. I

Q. What is your name, doctor? A. Robert F. Greer.

Q. You are a duly qualified medical practitioner in British Columbia? A. Yes.

Q. Practising at Steveston? A. Steveston.

Q. I believe you were called upon to attend Mr. Scott?

A. Yes.

Q. Sunday morning a week ago. Will you kindly tell the

Court what you found? A. Well, I was called, I judged about one o'clock, I am not definite as to the time and I went to the Star Hotel. When I went in there the bar room was full, pretty nearly full, pretty much all white men, I think, but I could not tell you who was in the bar, outside of the police officer, and Mr. Scott was lying in the corner in the office. Dixon was lying in the side of the bar room on the floor and they told me Scott was the worst--I had better attend to him first. I requested them to carry him out in the card room and put him on the table. They did so, and on examination I found a scalp wound a little to the right of the median line of the head, right at the top of the head here, extending down that way (indicating) about midway between the top part of the back of the ear and the middle of the head behind, about two inches long and down to the skull. Just in front of that, and a little to the left of the middle line of the head, there was another and slight scalp wound, but not as deep--about two inches long and straight along the front of the head; a little to the inner side of that another one started and came down to the front of the forehead like that and turned to the side. I dressed these wounds all first. After I got through with them, there was some blood on the back of his neck and on examination I found another wound, on what we call the ~~XXXXXX~~

Q. In your opinion they were knife wounds anyway? A. Knife wounds, yes.

seventh cervical vertebra--that little lump at the back of the neck just on the side of the prominent bone here. I dressed that also.

Q. Any wounds on the face? A. Yes, there was also a wound on his face running from--I think it is--I don't know whether it is the right or left side of the face; I think it is the right side, running from the eye down past the corner of the mouth.

Q. Did you require to use your needle? A. Yes.

Q. How many stitches did you require to put in? A. Oh, well, I could not tell you. I think I put four stitches in the first wound, this one in the back of the head. I think there was three in this one right on top of the head, and either three or four in the front wound, his face wound, I think there were four or five stitches in that and the neck wound four.

Q. What nature would you consider those wounds, dangerous? A. I consider them all scalp wounds--no, not dangerous as to life.

Q. Sufficient to incapacitate him? A. Yes, for a week or ~~ten~~ ten days, probably a little longer.

Q. He has lost considerable blood, I believe? A. Yes.

Q. What kind of instrument would you - - - A. I claim it was a knife that did all the wounds.

Q. And that is all you know of the fracas? A. That is all I know.

Q. You attended Dixon also, I believe? A. Yes.

Q. Could the wounds be made, doctor, with a knife of that description that you saw? A. All of the scalp wounds could be made with that, but I don't think they ^{all} were made with as big a knife as that. I don't think the neck wound was made with that. All the scalp wounds might have been made with a knife like that, but not the neck wound.

Q. In your opinion they were knife wounds anyway? A. Knife wounds, yes.

Cross-examined by Mr. Martin:-

Q. Don't you think they could have been made by any sharp instrument, doctor? A. No, I don't think so.

Q. Why not? A. Well, any sharp instrument, if it is similar to a knife, but not with a hatchet.

Q. But that knife, whatever you call it, is very unlike an ordinary knife, isn't it? A. Yes, but still that knife-- the scalp wounds could be made with that knife.

Q. Because it has got a sharp surface, that is the only reason, isn't it? A. And it would have to be made with an instrument similar to a knife because it was made with a ~~sharp~~ sharp thin instrument from the nature of the wound, and the wound was clean cut.

Q. The hatchet might have been sharp and thin on the ~~blade~~ blade? A. No, if made with a hatchet it is more of a blow, not cutting and the edge of the wound is more likely to dip in.

Q. Supposing in striking the blow you used the hatchet like a knife and cut with it? A. No, I would not say a hatchet could make the wound at all; a hatchet drawing that way would have more tendency to tear.

Q. It might, but supposing it was curved round the corner like that; instead of having a square corner, a slight curve like that edge? A. I don't think it is possible for a man to hold a hatchet firm enough to make a wound as regular as it was.

Q. You don't think so, but if it had a good sharp surface? A. But a man would not hold a hatchet in a racket of that kind sufficiently straight and firm.

Q. It could be done? A. It could, if he was a good artist and had a pretty firm hold with the hatchet he might probably do it.

Q. The surface of the hatchet would do it? A. I would not swear. I never saw a hatchet of that shape you speak of and handled that way, and I don't know what wound it would

make.

Q. You never saw a hatchet with a square edge or rounding a little? A. I never saw one with a rounded edge. If they produced the hatchet I would be in a position to swear whether it could make the wound or not.

Q. In the absence of the hatchet it would depend upon the shape? A. Yes, a square pointed hatchet could not make the wound, that is sure.

Q. You saw Maede's arm? A. Yes.

Q. Last Monday night? A. Yes.

Q. It was bruised quite a little was it not? A. Yes.

Q. And more or less blood would likely have come from that ~~xxxxx~~ bruise? A. Yes.

Q. That is on his elbow here? ~~Ar~~ A. Right about here, on the arm (indicating), as well as I can remember.

Q. Outside of the elbow? A. Yes.

Q. (Court) The wound in the back of the neck, was that made with a knife? A. Yes, must have been made with a knife.

Q. Not with a hatchet? A. No; a hatchet could not make a knife wound; it was impossible to make that with a hatchet.

- - - - -

Examination of the body of the deceased, August, 1904.

Examination of the body of the deceased, P.M.

STATEMENT OF THE ACCUSED.

Maede saith as follows:-

"I don't say anything."

Taken before me, at Steveston, the 3th day of August, 1904.

(Sgd.) Gordon M. Corbould, P.M.

1904.

Vancouver Fall Range.

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Rex v. Maeda.

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Copy of Depositions.

